

EXHIBIT 1

Kathrin Bishop

From: Aaron Wagner
Sent: Monday, April 21, 2025 12:34 PM
To: Bernick, Mike
Cc: Kathrin Bishop; Anthony Laporte; apierce@hanszenlaporte.com; nmartinez@hanszenlaporte.com; Ben Herbert; Robbie Wright; C. Celeste Creswell; Dori Butler; Huguenard, Harris; Barake, Gabriela; Drab, Michael
Subject: RE: [External] Empower/Ludowig - *Motions to Seal

They do not have any description and are not described in any manner to identify which Request anything is responsive to. They are just labeled by bates range—which requires us to open every single document to discern what it might be responsive or relevant to.

Aaron Wagner



811 SW 6th Avenue
Suite 1000
Portland, OR 97204
Direct: (971) 270-1789
Mobile: (360) 481-5107
Main: (404) 400-7300
Email: awagner@kcozlaw.com

Licensed to practice law in Washington, Oregon, Maryland, Texas, Florida, Georgia, and the District of Columbia.

From: Bernick, Mike <mbernick@jw.com>
Sent: Monday, April 21, 2025 9:31 AM
To: Aaron Wagner <awagner@kcozlaw.com>
Cc: Kathrin Bishop <kbishop@kcozlaw.com>; Anthony Laporte <ALaporte@hanszenlaporte.com>; apierce@hanszenlaporte.com; nmartinez@hanszenlaporte.com; Ben Herbert <bherbert@millerbarondess.com>; Robbie Wright <rwright@kcozlaw.com>; C. Celeste Creswell <ccreswell@kcozlaw.com>; Dori Butler <dbutler@kcozlaw.com>; Huguenard, Harris <hhuguenard@jw.com>; Barake, Gabriela <gbarake@jw.com>; Drab, Michael <mdrab@jw.com>
Subject: RE: [External] Empower/Ludowig - *Motions to Seal

What do you mean by “unlabeled”?

Thank you,
Mike Bernick | Partner
1401 McKinney, Suite 1900
Houston, TX 77010
V: (713) 752-4270 | F: (713) 752-4221 | mbernick@jw.com

Jackson Walker LLP

From: Aaron Wagner <awagner@kcozlaw.com>
Sent: Monday, April 21, 2025 11:23 AM

To: Bernick, Mike <mbernick@jw.com>

Cc: Kathrin Bishop <kbishop@kcozlaw.com>; Anthony Laporte <ALaporte@hanszenlaporte.com>;
apierce@hanszenlaporte.com; nmartinez@hanszenlaporte.com; Ben Herbert <bherbert@millerbarondess.com>; Robbie
Wright <rwright@kcozlaw.com>; C. Celeste Creswell <ccreswell@kcozlaw.com>; Dori Butler <dbutler@kcozlaw.com>;
Huguenard, Harris <hhuguenard@jw.com>; Barake, Gabriela <gbarake@jw.com>; Drab, Michael <mdrab@jw.com>

Subject: RE: [External] Empower/Ludowig - *Motions to Seal

Caution: **External Email.

Thanks, Mike. And I should have been more specific, the production was unlabeled but included nearly 8,000 pages of bates labeled documents. Without opening them one by one, we wouldn't know how many documents there are in the 8,000 page production. Certainly, we will try to cull the unlabeled production, but I'm sure you can understand how a dump of even 600 documents 2 weeks after the close of discovery is problematic.

We will talk to you at 1:30 PM PST. Thanks.

Aaron Wagner



811 SW 6th Avenue
Suite 1000
Portland, OR 97204
Direct: (971) 270-1789
Mobile: (360) 481-5107
Main: (404) 400-7300
Email: awagner@kcozlaw.com

Licensed to practice law in Washington, Oregon, Maryland, Texas, Florida, Georgia, and the District of Columbia.

From: Bernick, Mike <mbernick@jw.com>

Sent: Monday, April 21, 2025 9:19 AM

To: Aaron Wagner <awagner@kcozlaw.com>

Cc: Kathrin Bishop <kbishop@kcozlaw.com>; Anthony Laporte <ALaporte@hanszenlaporte.com>;
apierce@hanszenlaporte.com; nmartinez@hanszenlaporte.com; Ben Herbert <bherbert@millerbarondess.com>; Robbie
Wright <rwright@kcozlaw.com>; C. Celeste Creswell <ccreswell@kcozlaw.com>; Dori Butler <dbutler@kcozlaw.com>;
Huguenard, Harris <hhuguenard@jw.com>; Barake, Gabriela <gbarake@jw.com>; Drab, Michael <mdrab@jw.com>

Subject: RE: [External] Empower/Ludowig - *Motions to Seal

Aaron,

We can talk at 1:30 PST today. I'm available 1:30 – 2:30 PST.

Your email grossly misstates the number of documents produced on Friday. Empower's production on Friday was only about 600 documents that were produced in response to Mr. Ludowig's 2d Set of Requests for Production.

Empower still opposes Mr. Ludowig's request to reopen discovery, reopen expert deadlines, and move other deadlines and the trial.

Thank you,
Mike Bernick | Partner
1401 McKinney, Suite 1900
Houston, TX 77010
V: (713) 752-4270 | F: (713) 752-4221 | mbernick@jw.com

Jackson Walker LLP

From: Aaron Wagner <awagner@kcozlaw.com>
Sent: Monday, April 21, 2025 8:41 AM
To: Bernick, Mike <mbernick@jw.com>
Cc: Kathrin Bishop <kbishop@kcozlaw.com>; Anthony Laporte <ALaporte@hanszenlaporte.com>; apierce@hanszenlaporte.com; nmartinez@hanszenlaporte.com; Ben Herbert <bherbert@millerbarondess.com>; Robbie Wright <rwright@kcozlaw.com>; C. Celeste Creswell <ccreswell@kcozlaw.com>; Dori Butler <dbutler@kcozlaw.com>; Huguenard, Harris <hhuguenard@jw.com>; Barake, Gabriela <gbarake@jw.com>; Drab, Michael <mdrab@jw.com>
Subject: RE: [External] Empower/Ludowig - *Motions to Seal

Caution: **External Email.

Hey Mike,

I hope you had a good weekend. Following up on our request to Meet and Confer of last week and your availability for the same this afternoon. Also, we should add to the list our request to extend the scheduling order and trial setting based upon your production of nearly 8,000 documents Friday evening. We would like to know if your production, two weeks after the close of discovery, signals a change your client's stance on our requested relief. If not, we will plan to file a supplement to our request noting the production and seeking an expedited hearing from the Court.

Thank you and what time this afternoon works for you? I'm generally available after 1:30 PM PST this afternoon until 5:30 PM PST.

Thanks,
Aaron

Aaron Wagner

K|C|O KABAT CHAPMAN & OZMER LLP

811 SW 6th Avenue
Suite 1000
Portland, OR 97204
Direct: (971) 270-1789
Mobile: (360) 481-5107
Main: (404) 400-7300
Email: awagner@kcozlaw.com

Licensed to practice law in Washington, Oregon, Maryland, Texas, Florida, Georgia, and the District of Columbia.

From: Bernick, Mike <mbernick@jw.com>
Sent: Friday, April 18, 2025 8:02 AM
To: Aaron Wagner <awagner@kcozlaw.com>
Cc: Kathrin Bishop <kbishop@kcozlaw.com>; Anthony Laporte <ALaporte@hanszenlaporte.com>;
apierce@hanszenlaporte.com; nmartinez@hanszenlaporte.com; Ben Herbert <bherbert@millerbarondess.com>; Robbie Wright <rwright@kcozlaw.com>; C. Celeste Creswell <ccreswell@kcozlaw.com>; Dori Butler <dbutler@kcozlaw.com>; Huguenard, Harris <hhuguenard@jw.com>; Barake, Gabriela <gbarake@jw.com>; Drab, Michael <mdrab@jw.com>
Subject: RE: [External] Empower/Ludowig - *Motions to Seal

Aaron,

We have no opposition to the motion for temporary sealing.

Thank you,

Mike Bernick | Partner

1401 McKinney, Suite 1900

Houston, TX 77010

V: (713) 752-4270 | F: (713) 752-4221 | mbernick@jw.com

Jackson Walker LLP

From: Aaron Wagner <awagner@kcozlaw.com>
Sent: Friday, April 18, 2025 9:50 AM
To: Bernick, Mike <mbernick@jw.com>
Cc: Kathrin Bishop <kbishop@kcozlaw.com>; Anthony Laporte <ALaporte@hanszenlaporte.com>;
apierce@hanszenlaporte.com; nmartinez@hanszenlaporte.com; Ben Herbert <bherbert@millerbarondess.com>; Robbie Wright <rwright@kcozlaw.com>; C. Celeste Creswell <ccreswell@kcozlaw.com>; Dori Butler <dbutler@kcozlaw.com>; Huguenard, Harris <hhuguenard@jw.com>; Barake, Gabriela <gbarake@jw.com>; Drab, Michael <mdrab@jw.com>
Subject: RE: Empower/Ludowig - *Motions to Seal

Caution: **External Email.

Hey Mike,

Can you give me a call, or confirm by email, that you will not oppose a Motion to Seal temporarily our MSJ and Motion to Join other Def's Motion to Strike Experts? I don't anticipate using anything confidential in either motion but like we discussed yesterday, we want to give you guys the opportunity to review after they are served while they are under seal.

Thanks and let me know.

Aaron

Aaron Wagner

K|C|O KABAT CHAPMAN & OZMER LLP

811 SW 6th Avenue

Suite 1000

Portland, OR 97204

Direct: (971) 270-1789

Mobile: (360) 481-5107
Main: (404) 400-7300
Email: awagner@kcozlaw.com

Licensed to practice law in Washington, Oregon, Maryland, Texas, Florida, Georgia, and the District of Columbia.

From: Aaron Wagner
Sent: Thursday, April 17, 2025 4:16 PM
To: Bernick, Mike <mbernick@jw.com>
Cc: Kathrin Bishop <kbishop@kcozlaw.com>; Anthony Laporte <ALaporte@hanszenlaporte.com>; apierce@hanszenlaporte.com; nmartinez@hanszenlaporte.com; Ben Herbert <bherbert@millerbarondess.com>; Robbie Wright <RWright@kcozlaw.com>; C. Celeste Creswell <CCreswell@kcozlaw.com>; Dori Butler <dbutler@kcozlaw.com>; Huguenard, Harris <hhuguenard@jw.com>; Barake, Gabriela <gbarake@jw.com>; Drab, Michael <mdrab@jw.com>
Subject: RE: Empower/BFS - Request for Meet & Confer

Hey Mike,

I forgot to address the cell phone protocol question in your email below. My apologies. We have some proposed revisions that we should be able to get you tomorrow, or early Monday, so that we can also address that on our call Monday afternoon.

Thanks,

Aaron Wagner



811 SW 6th Avenue
Suite 1000
Portland, OR 97204
Direct: (971) 270-1789
Mobile: (360) 481-5107
Main: (404) 400-7300
Email: awagner@kcozlaw.com

Licensed to practice law in Washington, Oregon, Maryland, Texas, Florida, Georgia, and the District of Columbia.

From: Bernick, Mike <mbernick@jw.com>
Sent: Thursday, April 17, 2025 5:27 AM
To: Aaron Wagner <awagner@kcozlaw.com>
Cc: Kathrin Bishop <kbishop@kcozlaw.com>; Anthony Laporte <ALaporte@hanszenlaporte.com>; apierce@hanszenlaporte.com; nmartinez@hanszenlaporte.com; Ben Herbert <bherbert@millerbarondess.com>; Robbie Wright <rwright@kcozlaw.com>; C. Celeste Creswell <ccreswell@kcozlaw.com>; Dori Butler <dbutler@kcozlaw.com>; Huguenard, Harris <hhuguenard@jw.com>; Barake, Gabriela <gbarake@jw.com>; Drab, Michael <mdrab@jw.com>
Subject: [External] Empower/BFS - Request for Meet & Confer

Good morning, Aaron,

When are you available for a meet-and-confer on Monday or Tuesday to discuss these questions and the text message protocol? We have not received responses to these questions and we have not received any comments or edits to the text message protocol.

1. What is the potential relevance of the deposition of Ms. Cuccia to the claims and alleged defenses in the lawsuit?
2. What is the potential relevance of the deposition of Ms. Bradley to the claims and alleged defenses in the lawsuit?
3. What is the potential relevance of the deposition of Ms. Walsh to the claims and alleged defenses in the lawsuit?
4. What is the potential relevance of the deposition of Ms. McClure to the claims and alleged defenses in the lawsuit?
5. What is the potential relevance of the deposition of Ms. Samudre to the claims and alleged defenses in the lawsuit?
6. What is the potential relevance of the deposition of Ms. Presha to the claims and alleged defenses in the lawsuit?

Thank you,

Mike Bernick | Partner

1401 McKinney, Suite 1900

Houston, TX 77010

V: (713) 752-4270 | F: (713) 752-4221 | mbernick@jw.com

Jackson Walker LLP